

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARIO A. VALENZUELA,

Plaintiff,

v.

SANTIESTEBAN, *et al.*,

Defendants.

Case No. 1:20-cv-01093-JLT-BAM (PC)

ORDER LIFTING STAY OF ACTION
PENDING RESOLUTION OF PLAINTIFF'S
CRIMINAL CASE

(ECF No. 38)

Plaintiff Mario A. Valenzuela ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Santiesteban, Rodriguez, and Alejo for excessive force in violation of the Eighth Amendment and against Defendant Perez for failure to protect in violation of the Eighth Amendment, arising from the incident on June 22, 2019.

On April 9, 2021, the Court granted Defendants' motion to stay this civil action until Plaintiff's criminal charges in Kings County Superior Court, case number 20CM-1621, arising from the same June 22, 2019 incident involved in this action, were resolved. (ECF No. 38.) Defendants were directed to file status reports every ninety days. (ECF No. 45.)

Defendants' January 27, 2025 status report indicates that on January 10, 2025, Plaintiff was sentenced to twenty-five years after a jury found Plaintiff guilty of battery on a non-confined

///

1 person by a prisoner in violation of PC 4501.5.¹ (ECF No. 72.) Defendants state that because
2 Plaintiff's criminal trial has concluded, Defendants believe that a stay in this action is no longer
3 necessary. (*Id.*) Plaintiff did not file a response.

4 Pursuant to Defendants' status report and in light of Plaintiff's failure to file any objection
5 thereto, the Court finds it appropriate to lift the stay of this action. (ECF No. 38.)

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. The stay of this action, (ECF No. 38), is LIFTED; and
8 2. The parties may proceed with discovery pursuant to the Amended Discovery and
9 Scheduling order to be issued by separate order.

10
11 IT IS SO ORDERED.

12 Dated: March 4, 2025

13 /s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25

26 ¹ The Court takes judicial notice of Plaintiff's criminal case in the Kings County Superior Court, *The People of the*
27 *State of Cal. v. Mario Alberto Valenzuela*, Case No. 20CM-1621 and 20CMS-1621. The Kings County Superior
28 Court's Case Index Search for Case No. 20CMS-1621, provides that on November 15, 2024, a jury verdict of
"guilty" was reached, and on January 10, 2025, a sentencing hearing was held. The Court may take judicial notice of
state court records. *See Bias v. Moynihan*, 508 F.3d 1212, 1225 (9th Cir. 2007); *Kasey v. Molybdenum Corp. of*
Amer., 336 F.2d 560, 563 (9th Cir. 1964).